

REMARKS

Applicants respectfully request further examination and reconsideration in view of the Amendments herein and the Remarks set forth below. Claims 1-25 remain pending. Claims 1-25 are rejected. Claims 1-25 are amended herein. No new matter has been added as a result of these amendments. Support for the instant amendments can be found in the instant application at least at Fig. 5 and page 14, line 12, through page 15, line 10.

ALLOWABLE SUBJECT MATTER

Applicants wish to thank the Examiner for the indication that Claims 1-25 would be allowable if rewritten are amended to overcome the rejections under 35 U.S.C. §101 as set forth in the Office Action mailed January 29, 2009, hereinafter referred to as the "instant Office Action."

35 U.S.C. §101

The instant Office Action states that Claims 1-25 are rejected under 35 U.S.C. §101 as directed toward non-statutory subject matter.

Claims 1-19

First, Claims 1-19 are rejected under 35 U.S.C. §101 as not falling within one of the four statutory classes of invention.

Applicants respectfully submit that Claim 1 recites a “computer-implemented method for safely executing downloaded code on a computer system comprising” in which the method steps are performed at a computer system. Moreover, Applicants respectfully submit that Claim 10 recites a “computer-implemented method for determining the source of a resource request” in which the method steps are performed at a computer system.

In particular, Applicants have amended Claims 1-19 to recite that various respective steps are performed “at said computer system” and “of said computer system.” Applicants understand *In re Bilski* (88 USPQ 2d 1385 CAFC (2008)) to hold that a process under 35 U.S.C. §101 must (1) be tied to a machine or (2) transform underlying subject matter.

Applicants respectfully submit that the methods recited in Claims 1 and 10 are tied to a particular machine as required under *In re Bilski*. Therefore, Applicants respectfully submits that Claims 1 and 10 are directed toward patentable subject matter, and thus overcome the rejection under 35 U.S.C. §101. Moreover, Applicants respectfully submit that Claims 2-9 that depend from independent Claim 1 and Claims 11-19 that depend from independent Claim 10 also overcome the rejection under 35 U.S.C. §101 as being dependent on Claims 1 and 10, respectively, that overcome the instant rejection.

Claims 20-25

Second, Claims 20-25 are rejected under 35 U.S.C. §101 as not falling within a statutory category. In particular, the instant Office Action asserts that Claims 20-25 are directed toward software only, and thus are not within a statutory class.

Applicants respectfully submit that Claim 20 recites (emphasis added):

A computer system for making it safe to execute downloaded code, said computer system comprising:
a processor; and
a computer readable storage medium;
wherein a portion of said computer readable storage medium is configured with a modified local library associated with an application, said local library coupled to a security filter wherein said security filter comprises a secret for generating a first digital signature associated with a resource request from said application; and
wherein said processor of said computer system is configured for executing a system kernel for processing said resource request, said system kernel comprising said secret for generating a second digital signature associated with said resource request wherein said kernel denies said resource request if said first digital signature and said second digital signature are different.

In particular, Applicants have amended Claim 20 recites that the computer system includes “a processor,” “a computer readable storage medium,” “wherein a portion of said computer readable storage medium is configured with a modified local library associated with an application,” and “wherein said processor of said computer system is configured for executing a system kernel for processing said resource request.”

Applicants respectfully submit that the computer system recited in Claim 20 falls within a statutory category. Therefore, Applicants respectfully submits that Claim 20 is

directed toward patentable subject matter, and thus overcomes the rejection under 35 U.S.C. §101. Moreover, Applicants respectfully submit that Claims 21-25 that depend from independent Claim 20 also overcome the rejection under 35 U.S.C. §101 as being dependent on Claim 20 that overcomes the instant rejection.

CONCLUSION

In light of the above remarks, Applicants respectfully requests reconsideration of Claims 1-25 and Applicants respectfully solicit allowance of these Claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present application.

Respectfully submitted,
WAGNER BLECHER LLP

Dated: April 29, 2009

/John P. Wagner, Jr./
John P. Wagner, Jr.
Reg. No. 35,398

Address: WAGNER BLECHER LLP
123 Westridge Dr
Watsonville, CA
95076

Telephone: (408) 377-0500 Voice
(831) 722-2350 Facsimile